substantially true and not actuated by any actual malice. *Held,* that there exists a qualified privilege of free comment upon public acts of public officials, which are of public interest and an action for libel will not lie. *McClung* v. *Pulitzer Publishing Co.* (Mo., 1919) 214 S. W. 193.

There is a great difference between criticism, even harsh and severe, whether in regard to a candidate for office, or misconduct of public officials in office, and the statement of *facts* against such a candidate or public official in office. There are cases which fail to observe this distinction, but *Post Publishing Co.* v. *Hallam,* 59 Fed. 530, and *Burt* v. *Advertiser Co.,* 154 Mass. 238 have clearly pointed this out. As said by Justice Holmes in the Massachusetts case, "we agree with the defendant that the subject was of public interest and that—the defendant would have the right to make fair comment, etc." But later he says "it is enough to say that it is not a justificaion that the defendant had reasonable cause to believe its charges to be true." There is a further question in this type of case, where the matter, published as facts, is not substantially true. In the principle case, as *dicta,* the court cited with approval a statement made in an earlier Missouri case, *Cook* v. *Pulitzer Publishing Co.,* 241 Mo. 326, "that where a defense of privileged comment on a matter of public interest is presented by the issues, the plaintiff may overcome the privilege pleaded, either by proof that the publication was inspired by actual malice, or that the facts published and commented upon were false." In this view they are sustained by many other jurisdictions, including an early Missouri case. *Smith* v. *Burrus,* 106 Mo. 94; *Burt* v. *Advertiser Co., supra; Post Publishing Co.* v. *Hallam, supra; Foster* v. *Scripps,* 39 Mich. 376; *Eviston* v. *Cramer et al.,* 57 Wis. 570; *Hamilton* v. *Eno,* 81 N. Y. 116; *People* v. *Fuller,* 238 Ill. 116. But there is a growing number of authorities toward the view that a public officer is amenable to criticism in a public newspaper on matters of public interest, without any liability on the part of the newspaper company, even if the facts were not substantially true, as long as there was probable cause to believe them to be true, and there was no improper motive in publishing. *Palmer* v. *Concord,* 48 N. H. 211; *O'Rourke* v. *Lewiston Daily Sun Publishing Co.,* 89 Me. 310; *Evening Post Co.* v. *Richardson,* 113 Ky. 641; *Neeb* v. *Hope,* 111 Pa. St. 145; *Ferber* v. *Gazette and Bulletin Publishing Co.,* 212 Pa. St. 367; 8 MICH. L. REV. 345. This same problem has also received much attention and debate in relation to candidates for office. 7 MICH. L. REV. 351; 18 MICH. L. REV. 1, 104; 23 HARV. L. REV. 413.

MASTER AND SERVANT—WORKMAN'S COMPENSATION LAW—"INJURY ARISING IN COURSE OF EMPLOYMENT"—ANTHRAX.—Servant's neck was slightly cut while being shaved at a barber shop, and on the following day, while working in a tannery handling hides, symptoms of anthrax first appeared, from which disease his death resulted. *Held,* his death was due to accidental injury "arising out of and in the course of his employment," and that his widow was entitled to compensation. *Eldridge* v. *Endicott, Johnson & Co., et al.* (1919) 177 N. Y. S. 863.

This decision seems to be a reversal of the result reached in this case in the lower court, reported in THE BULLETIN, N. Y. Vol. I, No. 8, p. 8 (cited

in HONNOLD, WORKMEN'S COMPENSATION, p. 493). The courts appear to be in a state of change in regard to these workmen's compensation cases. The modern tendency seems to favor making the master an absolute insurer against all risks incidental to the course of employment. *Hiers* v. *Hull & Co.*, 178 App. Div. 350; *Horrigan* v. *Post Standard Co.*, 224 N. Y. 620; *Dove* v. *Alpena Hide and Leather Co.*, 198 Mich. 132, where servant in tannery, handling hides, died from septic infection, resulting from deceased's inhaling dust from the hides; *Blaess* v. *Dolph*, 195 Mich. 137, where undertaker's assistant died from a virulent type of streptococcus infection, which he contracted, in the course of handling a dead body, through a slight unexplained cut on his ring finger. It appeared in evidence in this last case that the only probable source of deceased's infection was through contact with the dead body of a person who had such an infection. So, too, in the case at hand it is a matter of common knowledge that "anthrax is primarily a disease of animals, such as sheep" (*McCauley* v. *Imperial Woolen Co., et al.*, 261 Pa. St. 312) and that it is almost universally contracted from handling infected hides or wool, and therefore it seems the court was justified in holding deceased's death was caused by accidental injury "arising out of and in course of his employment." At first sight it might appear that the case of *Chandler* v. *Great Western Ry. Co.*, [1912] 106 L. T. 479, is in conflict with these decisions, but there is really an essential point of distinction between them. There a railway fireman, while at home, cut his finger, sucked the wound, bound it up and went to work. While working, coal dust, oil, grease and other matters worked through the bandage into the cut, and septic infection resulted which necessitated amputation of his finger. The court held he could not recover, because to attribute this infection to his employment was at best a mere "surmise, conjecture, or guess," there being many possible sources of such infection. He might have gotten it from the cut alone, from sucking the cut, from dust in the road, or from various other imaginable sources which might give rise to such an infection. This case is distinguishable from the general line of cases, here set out, in that this fireman's septic infection, unlike anthrax or streptococcus infection, was attributable to no one specific probable source, as was true in the case of the wool-sorter and of the undertaker, and therefore the court did not have sufficient grounds of probability on which to base a decision that it was an accidental injury "arising out of and in course of his employment." See other articles as to accidents "arising out of and in course of employment" in 12 MICH. L. REV. 614, 688; 14 MICH. L. REV. 525; 15 MICH. L. REV. 92, 606; 16 MICH. L. REV. 179, 462; 18 MICH. L. REV. 72; 25 YALE L. JOUR. 333; 26 YALE L. JOUR. 76.

NAVIGABLE WATERS—RIPARIAN RIGHTS—ACCRETION.—From 1885 to 1895 the bottom of the river in front of the plaintiff's property was used as a dumping ground under the direction of government officials. The effect of such deposits was to accelerate deposit of alluvion, whereby fifty-four acres of new land were formed on the plaintiff's riparian front. Plaintiff contracted to convey this land to the defendant who refused to perform on the ground that he would be getting a doubtful title. Plaintiff sued for the purchase price.